

Application Serial No.: 09/661,375

Attorney Docket No. 067220-0312764 (23453-020)

In Response to Office Action mailed September 6, 2005

REMARKS

In response to the Non-Final Office Action mailed September 6, 2005 (hereinafter "Office Action"), claims 27-28, 35, 44, and 47-48 have been amended, and claims 37 and 46 have been cancelled without prejudice or disclaimer. No claims have been newly added. Therefore, claims 27-36, 38-45, and 47-48 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicants are submitting herewith a Supplemental Information Disclosure Statement ("IDS") and respectfully request that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

REJECTION UNDER 35 U.S.C. §102

Claims 27-28, 34-35, 37, 43-44, and 46 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,246,672 to Lumelsky. *See* Office Action, pg. 3. Applicants traverse this rejection for *at least* the reason that Lumelsky does not disclose each of the features of *at least* independent claims 27-28. "A prior art reference anticipates a patent claim if the reference discloses, either expressly or inherently, all of the limitations of the claim." *Metabolite Laboratories, Inc. v. Laboratory Corporation of America Holdings*, 370 F.3d 1354, 1367, 71 U.S.P.Q. 2d (BNA) 1081, 1090 (Fed. Cir. 2004) (quoting *EMI*

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Group N. Am., Inc. v. Cypress Semiconductor Corp., 268 F.3d 1342, 1350, 60 U.S.P.Q. 2d (BNA) 1423, 1429 (Fed. Cir. 2001) (citation omitted)).

1. Independent Claims 27-28.

Independent claims 27 and 28 each recite, *inter alia*, the features of:

applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber;

...

initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber; and

...

dynamically interacting with the subscriber in real-time during the interactive voice broadcast by presenting personalized content to the subscriber from the subscriber's unique active voice page and enabling the subscriber to respond to the personalized content via one or more input elements embedded in the active voice page.

Lumelsky fails to disclose *at least* these features.

- a. ***Lumelsky fails to disclose applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber.***

Lumelsky fails to disclose applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber.

Lumelsky appears to teach generating a plurality of Composite Encoded Speech (CES)-based files via an authoring system (101) for storage in a data repository (401). CES-

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based files may be created via a human-authored TTS system (*e.g.*, audio produced by an operator or narrator reading text aloud is compared with speech synthesized artificially from the same text), as well as from known TTS systems where original speech is not available. *See Lumelsky, e.g.*, FIGS. 1 and 2A-2B; col. 10, lines 20-57; col. 12, lines 59-61; col. 13, lines 1-4; and col. 13, lines 17-38.

Subscribers can request or browse CES-based documents by placing a call from their user terminal (301) to a Personal Radio Station Server (PRSS) (201). The PRSS also maintains user (or subscriber) profiles which define topic categories of interest (*e.g.*, international news, sports news, business news) for the subscribers. *See Lumelsky, e.g.*, FIG. 1; col. 10, lines 63-66; and col. 19, lines 53+. Appropriate CES-based files are forwarded to a user's terminal (301) via a wired network (402) and wireless network (403). *See Lumelsky, e.g.*, col. 11, lines 63-65.

In the Office Action, at pg. 4, the Examiner alleges that the topic categories of interest in the user profiles of Lumelsky (see, *e.g.*, col. 19, lines 53-58) comprise "personalized content." Applicants disagree. Retrieving content such as a CES-based file from a data repository (401) --because the CES-based file corresponds to a topic category of interest for a user-- does not mean that the CES-based file has been personalized for the user. A different user having the same topic category of interest in their user profile may, for example, receive the very same CES-based file. In this regard, while content may be retrieved in Lumelsky based on a topic category of interest, Lumelsky does not appear to disclose that the retrieved content is personalized.

For *at least* this reason, the rejection of independent claims 27 and 28 is improper, and should be withdrawn.

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- b. ***Lumelsky fails to disclose initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber.***

Lumelsky fails to disclose initiating an outbound communication to a subscriber to establish an interactive voice broadcast with the subscriber. By contrast, Lumelsky appears to require users to establish a session to retrieve information. See Lumelsky, e.g., col. 10, lines 63-64; col. 11, lines 48-50; and col. 11, lines 38-42.

In particular, Applicants note col. 11, lines 48-65 of Lumelsky, which recites:

The user initiates a communications session by issuing a log-on command to a control processor 317 in the user's terminal 301. The user commands can be either voice commands, which is the most appropriate method for terminals installed in a vehicle, or the user may press appropriate control keys (not shown) on the user terminal. ***The processor 317 of the user terminal sends the log-on request to the PRSS 201*** via a radio receiver/transmitter 312 through the wireless data network 403. The request data packet is consequently registered by the closest mobile data base station 405, and routed over the wireless data network 403, e.g., AMPS, GSM, PCS, and the wired communications network 402, e.g., Internet, to the PRSS 201. ***The PRSS 201 determines a user's network address which is part of the request data package, implements a user authentication and authorization process, and forwards appropriate CES-based files to the user's terminal 301 via the wired network 402 and the wireless network 403. Emphasis Added.***

As the foregoing passage illustrates, the user in Lumelsky initiates a communication session and the PRSS 201 then forwards appropriate CES-based files to the user's terminal.

In the Office Action, at pg. 5, the Examiner recites that Lumelsky discloses “push technology” (at col. 11, line 22) and alleges that “clearly, ‘push technology’ involves ‘initiating an outbound communication to the subscriber.’” Applicants disagree for at least the reason that the Examiner appears to be taking this teaching of Lumelsky out of context. In particular, col. 10, line 63 – col. 11, line 30 of Lumelsky recites:

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*Next, users request CES-based documents by placing a call from their user terminal 301 to a PRSS 201. The PRSS maintains user profiles 212, as will be explained, which include individual lists of topics of interest. **There are preferably two distinct methods of information retrieval via the PRSS directory services.** It is to be appreciated that the phrase "directory services" refers to the mechanism employed to locate users and entries about users via the PRSS (i.e., similar to a telephone company's so-called "white pages"). There are several known directory service arrangements that are used in server-based environments. **One method is based on assembling the information on all the topics of interests.** Every individual subscriber may establish such a profile during a first set-up communications session and may modify the list during subsequent sessions. **When a subsequent session is initiated, the user will receive all information listed in the user's list of topics,** but only that information pertaining to the user selected topics of interest. **Practicing the second method, a user may browse among all CES documents, according to temporary established search criteria.** A combination of methods can also be used. For example, a user can request additional information on the registered topic of interest, and therefore initialize a browsing process. **The above-described methods of searching and browsing via the PRSS may be implemented by schemes similar to the conventional methods of searching and browsing the Internet. For example, it is known that "push technology" permits a user to create a profile and to receive information on topics identified in his profile via the previously established search criteria.** However, it is also known that an Internet user may search or browse the Internet via temporary search criteria, e.g., a user enters a particular search term (e.g., "weather") during an on-line session. The PRSS supports such search and browsing methods for automatically and manually obtaining CES-based files for playback on his user terminal. **Emphasis added.***

The foregoing passage discloses that users request documents by placing a call from their user terminal 301 to a PRSS 201. In other words, Lumelsky appears to disclose that users initiate communication. Once communication has been initiated by a user, Lumelsky appears to disclose two methods for information retrieval. Lumelsky further recites that the disclosed information retrieval methods may be implemented by schemes similar to the conventional methods of searching and browsing the Internet. The provided example of "push technology" appears to be applicable to the disclosed information retrieval methods that may be utilized once communication has been initiated by a user.

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For *at least* the reason that Lumelsky does not disclose initiating an outbound communication to a subscriber to establish an interactive voice broadcast with the subscriber, the rejection of independent claims 27 and 28 is improper, and should be withdrawn.

- c. *Lumelsky fails to disclose dynamically interacting with the subscriber in real-time during the interactive voice broadcast by presenting personalized content to the subscriber from the subscriber's unique active voice page and enabling the subscriber to respond to the personalized content via one or more input elements embedded in the active voice page.*

As recited above, Lumelsky does not appear to disclose personalizing generated content. Lumelsky also does not appear to disclose the feature of dynamically interacting with the subscriber in real-time during the interactive voice broadcast by presenting personalized content to the subscriber from the subscriber's unique active voice page and enabling the subscriber to respond to the personalized content via one or more input elements embedded in the active voice page.

In the Office Action, at pg. 4, the Examiner recites that "...a user's list of topics of interest defines 'a unique active voice page generated for the subscriber.'" Applicants disagree. A "list of topics" that a user has selected while establishing a profile is not an active voice page, nor does the "list of topics" of Lumelsky appear to present personalized content to a subscriber during an interactive voice broadcast.

In the Office Action, at pg. 5, it appears as though the Examiner may also be relying on a CES file to read on Applicants' claimed active voice page. This reasoning fails, however, as claims 27 and 28 each recite that a unique active voice page is generated for the subscriber. Lumelsky, by contrast, does not appear to disclose generating a unique CES-based document for a subscriber. Rather, Lumelsky discloses that an unlimited number of

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CES-based documents are created and stored by content providers (e.g., col. 10, lines 54-57), and that subscribers may use various search and browsing methods for automatically and manually obtaining CES-based files. See Lumelsky, e.g., col. 11, lines 5-47. Lumelsky further discloses using a cache (e.g., col. 20, lines 25-52) to facilitate retrieval of the same data for multiple users. For *at least* this reason, the rejection of independent claims 27 and 28 is improper, and should be reversed.

As noted above, neither the “list of topics” nor the CES files of Lumelsky constitute an active voice page, as disclosed and claimed by Applicants. Assuming arguendo that the “list of topics” or the CES files of Lumelsky could be considered an active voice page, however, the rejection would still be improper as neither include one or more embedded input elements, as recited in independent claims 27 and 28. The one or more input elements embedded in the active voice page, as disclosed and claimed by Applicants, enable the subscriber to respond to personalized content during the interactive voice broadcast.

For *at least* the reason that Lumelsky fails to disclose each and every feature of independent claims 27 and 28, as described above, the rejection of claims 27 and 28 under 35 U.S.C. §102(e) is improper and should be withdrawn.

2. Dependent Claims 34-35, 43, and 46.

Dependent claims 34-35 are allowable because they depend from allowable independent claim 27, as well as for the further limitations they contain. Similarly, dependent claims 43 and 46 are allowable because they depend from allowable independent claim 28, as well as for the further limitations they contain.

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REJECTION UNDER 35 U.S.C. §103

Claims 29-33, 36, 38-42, 45, and 47-48 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lumelsky in view of U.S. Patent No. 6,430,545 to Honarvar *et al.* ("Honarvar"). *See* Office Action, pg. 7. Applicants traverse this rejection for at least the reason that the Examiner has failed to set forth a *prima facie* case of obviousness.

1. Dependent Claims 29-33, 36, 38-42, and 45.

Claims 29-33 and 36 depend from independent claim 27, which is patentable over Lumelsky for *at least* the reasons set forth in detail above. Claims 38-42 and 45 depend from independent claim 28, which is patentable over Lumelsky for *at least* the reasons set forth in detail above.

In the Office Action, the Examiner relies on the combination of Lumelsky and Honarvar (and more particularly the teachings of Honarvar alone) for the rejection of dependent claims 29-33, 36, 38-42, and 45. The rejection is improper for *at least* the reason that there is no legally proper teaching, suggestion, or motivation to modify Lumelsky to include the teachings of Honarvar. Assuming arguendo that Lumelsky and Honarvar could be combined, the combined references fail to disclose, teach, or suggest all of the limitations of at least independent claims 27 and 28. In particular, Honarvar fails to cure the deficiencies of Lumelsky set forth in detail above with regard to the rejection of independent claims 27 and 28 under 35 U.S.C. §102. Accordingly, claims 29-33, 36, 38-42, and 45 are allowable *at least* because they depend from allowable independent claims, as well as for the further limitations they contain. Should the Examiner maintain this rejection, Applicants expressly

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reserve the right to challenge the propriety of the combination of Lumelsky and Honarvar, as well as the purported teachings of Honarvar relied upon by the Examiner. It is not necessary to do so at this time, however, as dependent claims 29-33, 36, 38-42, and 45 are allowable *at least* because they depend from allowable independent claims.

2. Independent Claims 47-48.

In the Office Action, at pg. 9, the Examiner concedes that Lumelsky fails to teach the features of “*wherein the generated content includes information derived from an on-line analytical processing (OLAP) system, and wherein the at least one voice service is executed upon satisfaction of a predetermined condition.*” The Examiner relies on Honarvar for these teachings, however, reciting:

It would have been obvious to one having ordinary skill in the art to provide on-line analytical processing (OLAP) of a service executed upon satisfaction of a predetermined condition as taught by *Honarvar et al.* in the method for singlecast interactive radio system of *Lumelsky* for the purpose of providing superior results, increased revenue, and enhanced customer relationships.

Applicants disagree. There is no legally proper teaching, suggestion, or motivation to modify Lumelsky to include the teachings of Honarvar. Assuming arguendo that Lumelsky and Honarvar could be combined, the combined references fail to disclose, teach, or suggest all of the limitations of independent claims 47 and 48.

In particular, the citation in Honarvar relied upon by the Examiner (col. 3, lines 13-22 and FIG. 2) appears to pertain to the operation of a decision management system. The relied upon passage does not, however, teach that content (including information derived from an on-line analytical processing (OLAP) system) is generated upon satisfaction of a predetermined condition.

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Moreover, similar to independent claims 27 and 28, independent claims 47 and 48 also recite, *inter alia*, the features of:

applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber;

...

initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber; and

...

dynamically interacting with the subscriber in real-time during the interactive voice broadcast by presenting personalized content to the subscriber from the subscriber's unique active voice page and enabling the subscriber to respond to the personalized content via one or more input elements embedded in the active voice page.

As discussed in detail above with regard to the rejection of independent claims 27 and 28, Lumelsky fails to disclose each of these features. Honarvar fails to cure the deficiencies of Lumelsky. Accordingly, the rejection of claims 47-48 is improper and should be withdrawn.

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CONCLUSION


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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